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U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
KADEEM MORGAN,

COMPLAINT IN A CIVIL ACTION

Plaintiff,

CIVIL ACTION NO.:

-against-

THE CITY OF NEW YORK, NEW YORK
CITY POLICE DEPARTMENT POLICE OFFICER
OLDSON AJESULAS, Tax Reg. No.: 942931, and
NEW YORK CITY POLICE DEPARTMENT
SERGEANT JONATHAN ROSARIO, Tax Reg. No.:
942478,

JOHNSON, J.

BLOOM, M.J.

Defendants.

-----X
Plaintiff, KADEEM MORGAN, for his complaint, by his attorneys, DAVID J.

HERNANDEZ & ASSOCIATES, upon information and belief, respectfully alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action brought to vindicate Plaintiff's rights secured to him under the Fourth, Fifth, Sixth and Fourteenth Amendments of the Constitution of the United States, through the Civil Rights Act of 1871, *as amended*, codified as 42 U.S.C. § 1983; under the Civil Rights Act of 1870, *as amended*, codified as 42 U.S.C. § 1981; and under the Civil Rights Attorney's Fees Award Act of 1976, *as amended*, codified as 42 U.S.C. § 1988.
2. On or about July 11, 2014, at approximately 9:30 P.M., the rights of Plaintiff KADEEM MORGAN (hereinafter "KADEEM") were violated under color of state

law by employees of Defendant, THE CITY OF NEW YORK (hereinafter "CITY"), including but not limited to Defendant POLICE OFFICER OLDSON AJESULAS (hereinafter "P.O. AJESULAS"), Tax Reg No.: 942931, and SERGEANT. JONATHAN ROSARIO (hereinafter "SGT. ROSARIO").

3. Defendants' actions arose from i) their perception of KADEEM's race, rather than any indication of criminal conduct on his part, ii) from a need to cover-up their unconstitutional racial-profiling of KADEEM, and iii) from a need to meet productivity goals (arrest quotas), which are prevalent throughout the New York City Police Department.
4. As a result of the violation of his constitutional rights, KADEEM suffered physical and mental injuries. Accordingly, KADEEM seeks an award of compensatory and punitive damages and attorneys' fees.

JURISIDCTION AND VENUE

5. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1343(a)(3) and (4), which provides for original jurisdiction in this Court of all suits brought pursuant to 42 U.S.C § 1983, and by 28 U.S.C. § 1331, which provides jurisdiction over all cases brought pursuant to the Constitution and laws of the United States. This Court has supplemental jurisdiction under 28 U.S.C. § 1367(a) over KADEEM's state law claims.
6. Venue is proper pursuant to 28 U.S.C. § 1391(b) in that KADEEM's claims arose in the Eastern District of New York.

JURY DEMAND

7. KADEEM respectfully demands a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38(b).

PARTIES

8. KADEEM is an African-American male and, at all times relevant hereto, resided in the County of Queens, City and State of New York.
9. Defendant CITY is a municipal corporation, incorporated pursuant to the laws of the State of New York, which operates the New York City Police Department (hereinafter "NYPD"), and as such is the public employer of the defendant officers herein. Defendant CITY assumes the risks incidental to the maintenance of a police force and the employment of police officers as said risks attach to the public consumers of the services provided by the NYPD.
10. Defendant P.O. AJESULAS is an NYPD police officer, and at all times relevant hereto, acted in that capacity as agent, servant, and/or employee of Defendant CITY and within the scope of his employment. P.O. AJESULAS is sued in his official and individual capacity.
11. Defendant SGT. ROSARIO is an NYPD police officer, and at all times relevant hereto, acted in that capacity as agent, servant, and/or employee of Defendant CITY and within the scope of his employment. SGT. ROSARIO is sued in his official and individual capacity.
12. At all times relevant hereto, Defendants were acting under the color of state and local law. Defendants are sued in their individual and official capacities. At all times relevant hereto, Defendant CITY was responsible for making and enforcing the

policies of NYPD and was acting under the color of law, to wit, under the color of statutes, ordinances, regulations, policies, customs and usages of the State of New York and/or the City of New York.

FACTS

13. On or about July 11, 2014, at approximately 9:30 P.M., KADEEM was lawfully west along Jewel Avenue toward Parsons Boulevard in the County of Queens, City and State of New York. KADEEM was on his way to Francesco's Pizzeria, located within the Electchester Shopping Center at 70-29 Parsons Boulevard, Queens, NY 11365.
14. As KADEEM was walking toward the Electchester Shopping Center, he was approached by BRENT MARTIN ("MARTIN"), and the two had a brief conversation. KADEEM then proceeded into Francesco's Pizzeria. Meanwhile, MARTIN was stopped by P.O. AJESULAS and was allegedly found to have a small quantity of crack-cocaine in his possession.
15. While waiting for his food inside Francesco's Pizzeria, KADEEM was approached by two police officers, P.O. AJESULAS and SGT. ROSARIO, who, without warning, announcement, or provocation, and without proper warrant, probable cause or legal cause, excuse or justification, slammed KADEEM against the wall of the Pizzeria and arrested him. This arrest was unlawful, as it was executed without warrant, probable or legal cause, excuse or justification. As the arrest was unlawful, it also constituted an Assault and Battery upon KADEEM.
16. KADEEM was taken to Police Service Area 9, located at 155-09 Jewel Avenue, Flushing, NY 11267. On July 12, 2014, KADEEM was arraigned, charged under

New York Penal Law §§ 220.44 and 220.39, released on his own recognizance, and given an August 1, 2014 court date.

17. At the time of KADEEM's July 11, 2014 arrest, he was serving five (5) years of probation stemming from an arrest that occurred on March 1, 2012. (Annexed hereto as *Exhibit 1* is a copy of KADEEM's Certificate of Disposition for his March 1, 2012 arrest.) Therefore, the unlawful arrest of KADEEM that occurred on July 11, 2014, was deemed to constitute a violation of the terms of KADEEM's five (5) year probation. Consequently, on August 1, 2014, KADEEM was remanded for said violation, and was imprisoned on Riker's Island starting on that date. However, KADEEM was not afforded a Violation of Probation hearing until December 19, 2014, *Exhibit 1*, when the Hon. Douglas Wong of Queens Criminal Supreme Court resentence KADEEM to ten (10) months imprisonment for violating probation. Thus, from August 1, 2014 through December 19, 2014, KADEEM was imprisoned on Riker's Island without having been convicted of violating the terms of his probation; in other words, KADEEM was imprisoned for one hundred and forty (140) days, without his probation being revoked, all off the strength of a false and unlawful arrest.

18. On February 3, 2015, by Motion of the Queens District Attorney's Office, all charges against KADEEM stemming from his July 11, 2014 false and unlawful arrest were dismissed by the Hon. Suzanne Melendez of the Queens Criminal Supreme Court. (Annexed hereto as *Exhibit 2* is a copy of KADEEM's Certificate of Disposition for his July 11, 2014 arrest.) KADEEM was released from his unlawful imprisonment shortly after the charges against him were dismissed.

19. As a consequence of Defendants' violations of the rights secured to KADEEM under the Fourth, Fifth, Sixth and Fourteenth Amendments of the Constitution of the United States, KADEEM served approximately two-hundred (200) days of imprisonment on Riker's Island (August 1, 2014 through early February 2015), thereby missing the birth of his first child on October 3, 2014.
20. Thus, by reason of the aforesaid constitutional deprivation perpetrated by Defendants herein, KADEEM was caused to suffer and endure loss of liberty, mental anguish, emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

FIRST CAUSE OF ACTION THROUGH 42 U.S.C. § 1983
DEPRIVATION OF RIGHTS SECURED UNDER THE CONSTITUTION OF THE
UNITED STATES

21. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.
22. Defendants, under color of state and/or local law, subjected KADEEM to the foregoing acts without due process of law and in violation of the Fourth, Fifth, Sixth and Fourteenth Amendments of the Constitution of the United States, through 42 U.S.C. § 1983, thereby depriving KADEEM of his rights, privileges and immunities, including, without limitation, deprivation of the following constitutional rights:
- a. Freedom from unreasonable seizures of their person;

- b. Freedom from arrest without probable cause;
- c. Freedom from false imprisonment, meaning wrongful detention without good faith, reasonable suspicion or legal justification, and of which KADEEM was aware and did not consent;
- d. Freedom from the lodging of false charges against him by police officers;
- e. Freedom from having police officers fabricate evidence against him;
- f. Freedom from malicious prosecution by police, that being prosecution without probable cause that is instituted with malice and that ultimately terminated in KADEEM's favor, in contravention of the Fourth Amendment's guarantee of freedom from unreasonable seizures; the Fifth Amendment's guarantee that no individual's freedom shall be deprived without due process of law; and the Fourteenth Amendment's guarantee of substantive and procedural due process;
- g. The enjoyment of equal protection, privileges and immunities under the laws.

23. Defendants' deprivations of KADEEM's constitutional rights, secured to KADEEM by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, caused KADEEM to suffer and endure loss of liberty, mental anguish, emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

SECOND CAUSE OF ACTION THROUGH 42 U.S.C. § 1983
SUPERVISORY LIABILITY FOR DEPRIVATION OF RIGHTS SECURED
UNDER THE CONSTITUTION OF THE UNITED STATES

24. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.
25. By failing to remedy the wrongs committed by his or her subordinates, in failing to properly train, screen, supervise, or discipline his or her subordinates, and by personally participating in the constitutional torts described above, supervisory officer Defendant SGT. ROSARIO caused damage and injury in violation of KADEEM'S rights guaranteed under the United States Constitution, including its Fourth, Fifth and Fourteenth Amendments, through 42 U.S.C. § 1983.
26. Defendants' deprivations of KADEEM's constitutional rights, secured to KADEEM by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, caused KADEEM to suffer and endure loss of liberty, mental anguish, emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

THIRD CAUSE OF ACTION THROUGH 42 U.S.C. § 1983
MONELL CLAIM AGAINST DEFENDANT CITY FOR DEPRIVATION OF RIGHTS
SECURED UNDER THE CONSTITUTION OF THE UNITED STATES

27. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

28. All of the acts by the named Defendant police officers described above were carried out pursuant to overlapping policies and practices of Defendant CITY which were in existence at the time of the conduct alleged herein and were engaged in with the fully knowledge, consent, and cooperation and under the supervisory authority of the defendant CITY and its agency, the NYPD.
29. Defendant CITY and the NYPD, by their policy-making agents, servants and employees, authorized, sanctioned and/or ratified the individual police defendants' wrongful acts; and/or failed to prevent or stop those acts; and/or allowed or encouraged those acts to continue.
30. The acts complained of were carried out by the aforementioned individual Defendants in their capacities as police officers and officials pursuant to *de facto* customs, policies, usages, practices, procedures and rules of the CITY and the NYPD, all under the supervision of ranking officers of the NYPD.
31. The aforementioned *de facto* customs, practices, procedures and rules of the CITY and the NYPD include, but are not limited to, the following unconstitutional practices:
- a. Racially profiling minority individuals, and more specifically, African-American individuals, like KADEEM;
 - b. Falsely swearing out criminal complaints, and/or lying and committing perjury during sworn testimony, in order to:
 - i. Cover-up, hide, mask, or justify unconstitutional seizures of persons; and/or
 - ii. Meet productivity goals (arrest quotas).

32. **Racial Profiling.** The existence of the aforesaid unconstitutional custom, practice, procedure and rule of the CITY and the NYPD as to racial profiling of minority individuals by NYPD Officers is evidenced by the following:

- a. According to a study conducted by the Center for Constitutional Rights, from 2005 through 2008, approximately eighty (80) percent of all stops conducted by NYPD Officers were of Blacks and Latinos, which comprise merely twenty-five (25) and twenty-eight (28) percent of New York City's total population.ⁱ Only ten (10) percent of stops conducted by NYPD Officers were of Whites, which comprise forty-four (44) percent of New York City's total population.ⁱⁱ The Center concluded that:

data provided by the NYPD plainly demonstrate Black and Latino New Yorkers have a greater likelihood of being stopped-and-frisked by NYPD officers at a rate significantly disproportionate to that of White New Yorkers. That NYPD officers use physical force during stops of Blacks and Latinos at an exceedingly disproportionate rate compared to Whites who are stopped, and that this disparity exists despite corresponding rates of arrest and weapons or contraband yield across racial lines, further supports claims that the NYPD is engaged in racially biased stop-and-frisk practices.ⁱⁱⁱ

- b. The above findings are confirmed by reports made by numerous Black NYPD Officers, who state that, when off-duty and not in uniform, Black Police Officers are victims of the same racial profiling to which New York's minorities are frequently subjected. As explained in an article published by Reuters:

Reuters interviewed 25 African-American male officers on the NYPD, 15 of whom are retired and 10 of whom are still serving. All but one said that, when off duty

and out of uniform, they had been victims of racial profiling, which refers to using race or ethnicity as grounds for suspecting someone of having committed a crime.

The officers said this included being pulled over for no reason, having their heads slammed against their cars, getting guns brandished in their faces, being thrown into prison vans and experiencing stop and frisks while shopping. The majority of the officers said they had been pulled over multiple times while driving. Five had guns pulled on them.^{iv}

33. **Falsely Swearing Out Criminal Complaints/Perjury.** According to the Mollen

Commission, police perjury and falsification of official records is probably the most common form of police corruption facing the criminal justice system. According to the Commission:

Regardless of the motives behind police falsifications, what is particularly troublesome about this practice is that it is widely tolerated by corrupt and honest officers alike, as well as their supervisors. Corrupt and honest officers told us that their supervisors knew or should have known about falsified versions of searches and arrests and never questioned them.^v

[...]

What breeds this tolerance is a deep-rooted perception among many officers of all ranks within the Department that nothing is really wrong with compromising facts to fight crime in the real world. Simply put, despite the devastating consequences of police falsifications, there is a persistent belief among many officers that it is necessary and justified, even if unlawful. As one dedicated officer put it, police officers often view falsification as, to use his words, “doing God’s work” – doing whatever it takes to get a suspected criminal off the streets. This attitude is so entrenched, especially in high-crime precincts, that when investigators confronted one recently arrested officer with evidence of perjury, he asked in disbelief, “What’s wrong with that? They’re guilty.”^{vi}

The Commission’s report was echoed by the Honorable District Court Judge

Weinstein, writing for the Eastern District of New York in *Colon v. City of New York*, Nos.: 09-CV-8, 09-CV-9, 2009 WL 4263362 (E.D.N.Y.). In an Order dated November 25, 2009, which denied the CITY's motion to dismiss on *Iqbal/Twombly* grounds, wherein the police officers at issue were fired and prosecuted for falsifying evidence in a purported buy-and-bust operation, Judge Weinstein wrote:

Informal inquiry by the court and among the judges of this court, as well as knowledge of cases in other federal and state courts, has revealed anecdotal evidence of repeated, widespread falsification by arresting police officer[s] of the New York City Police Department. Despite numerous inquiries by commissions and strong reported efforts by the present administration – through selection of candidates for the police force stressing academic and other qualifications, serious training to avoid constitutional violations, and strong disciplinary action within the department – there is some evidence of an attitude among officers that is sufficiently widespread to constitute a custom or policy by the city approving illegal conduct of the kind now charged. *Colon v. City of New York*, Nos.: 09-CV-8, 09-CV-9, 2009 WL 4263362 *2 (E.D.N.Y. 2009).

Former Police Commissioner RAYMOND KELLY, upon hearing of Judge Weinstein's Order, particularly the language regarding the frequency with which Police Officers lie under oath, acknowledged that "When it happens, it's not for personal gain. It's more for convenience." vii

34. The existence of the aforesaid unconstitutional custom, practice, procedure and rule of the CITY and the NYPD as to falsely swearing out criminal complaints, and/or lying and committing perjury during sworn testimony in order to a) cover up, hide, mask or justify unconstitutional action; and/or b) to meet productivity goals (arrest quotas), may be inferred from repeated occurrences of similar wrongful conduct,

which is documented by the following:

a. **Cover Up, Hide, Mask or Justify Unconstitutional Action.**

- i. *Stevenson v. Oldson Ajesusulas*, 14-CV-3144 (E.D.N.Y.) (P.O. OLDSON AJESULAS is sued in his individual and official capacities for the false arrest and false imprisonment of Plaintiff therein, and for providing false information to the Queens County District Attorney's Office in an effort to institute a malicious prosecution against the Plaintiff therein—it should be noted that P.O. OLDSON AJESULAS is also a named Defendant in the instant action);
- ii. *Long v. City of New York*, 09-CV-9216 (AKH) (S.D.N.Y.) (officer who purposefully swore out a false complaint and used excessive force is convicted of falsifying police records);
- iii. *Taylor-Mickens v. City of New York*, 09 Civ. 7923 (RWS) (S.D.N.Y.) (police officers at the 24th Precinct issue four summonses to a woman in retaliation for her lodging a complaint with the Civilian Complaint Review Board at the precinct);
- iv. *Callaghan v. City of New York*, 07 Civ. 9611 (PKC) (S.D.N.Y.) (officers accused of falsifying evidence and retaliatory arrests of bicyclists engaged in expressive conduct, *to wit*, riding in Critical Mass bicycle rides after the 2004 Republican National Convention);^{viii}
- v. *Kaufman v. City of New York*, No.: 87 Civ. 4492 (RO), 1992 WL 247039 (S.D.N.Y. 1992) (bystander arrested for observing an unlawful arrest in public, requesting the officer's badge number, and telling the officer that he planned to file a report about the arrest).
- vi. On August 26, 2013, The Bronx District Attorney's Office issued a press release indicating that New York City Police Officer Michael Ackermann was charged by a grand jury with Falsifying Business Records in the First and Second Degrees, Tampering with Public Records in the First and Second Degrees, Offering a False Instrument for Filing in the First and Second Degrees, Official Misconduct, and

Making a Punishable False Written Statement. The charges against Officer Ackermann stemmed from his August 4, 2012 arrest of a New York Times photographer. Officer Ackermann, in justifying the arrest, indicated that the photographer flashed his camera in Officer Ackermann's face while Officer Ackermann attempted to arrest another individual. However, an investigation into the incident determined that Officer Ackerman's story was a fabrication, as the camera used by the photographer did not have a flash device.

- vii. In early 2010, the CITY settled a civil rights lawsuit, wherein NYPD Officer Sean Spencer falsely arrested and accused a 41-year old woman of prostitution, for \$35,000. The CITY's attorney in the lawsuit admitted that "Officer Spencer falsely reported to the assistant district attorney that he saw [the plaintiff] beckon to three male passersby and that he was aware that plaintiff was previously arrested for [prostitution] when the plaintiff had never been arrested for this offense."^{ix}

b. **Meet productivity goals (arrest quotas).**

- i. Former NYPD narcotics Detective STEPHEN ANDERSON, testifying during the corruption trial of Brooklyn South narcotics Detective Jason Arbeeny, stated in Brooklyn Supreme Court that it was common practice within the NYPD to fabricate drug charges against innocent people in order to meet arrest quotas. Said Detective ANDERSON: "As a detective, you still have a number to reach while you are in the narcotics division."^x
- ii. *Floyd v. City of New York*, No.: 08 Civ. 1034 (SAS), 959 F.Supp.2d 540, 602 (S.D.N.Y. 2013) (Judge Shira A. Schiendlin stated that "imposing numerical performance goals for enforcement activities, without providing effective safeguards to ensure the activities are legally justified, could result in an officer taking enforcement action for the purpose of meeting a performance goal rather than because a violation of the law has occurred.")

- iii. *Bryant v. City of New York*, Index No.: 22011/2007 (Sup. Ct., Kings Co.) (jury declares that NYPD officers acted pursuant to a City policy regarding the number of arrests officers were expected to make that violated plaintiffs constitutional rights and contributed to her arrest);^{xi}
- iv. *McMillan v. City of New York*, 04-CV-3990 (FB) (RML) (E.D.N.Y.) (officers fabricated evidence and used excessive force against an African-American man in Kings County and initiated drug charges against him, despite an absence of any quantum of suspicion);
- v. *Avent v. City of New York*, 04-CV-2451 (CBA) (CLP) (E.D.N.Y.) (same);
- vi. *Smith v. City of New York*, 04-CV-1045 (RRM) (JMA) (E.D.N.Y.) (same);
- vii. *Richardson v. City of New York*, No.: 02-CV-3651 (JG), 2006 WL 2792768 (E.D.N.Y. 2006) (officers fabricated evidence, including knowingly false sworn complaints, and used excessive force against an African-American man in Kings County and initiated drug charges against him, despite an absence of any quantum of suspicion);
- viii. *Taylor v. City of New York*, 01-CV-5750 (ILG) (MDG) (E.D.N.Y.) (same as *Richardson*, paragraph O above, except without the excessive force; judge at the criminal trial acquitting Mr. Taylor noted, on the record, that he had “significant doubt” about the truthfulness of the officers who testified);
- ix. In December of 2009, two (2) officers from the 81st Precinct in Brooklyn arrested and falsely swore out charges against an undercover officer from the Internal Affairs Bureau. As explained in an article in the New York Post:

The officers were snared in a sting by Internal Affairs in December when they were told to keep an eye out for people selling untaxed cigarettes in their precinct.

Sometime later, they saw a man hanging out on a corner in the neighborhood and found that he was

carrying packs of knock-off smokes.

[Sgt. Raymond] Stukes, 45, and [Officer Hector] Tirado, 30, cuffed him, then claimed that they had seen him selling the bogus butts to two people, according to sources.

Little did the hapless cops know that the man in their custody was an undercover corruption investigator and that the whole incident was caught on video.

To complete the ruse, the undercover cop was processed at the station so as to not tip off Stukes and Tirado about the sting . . .

[P]olice sources said [this action] stem[s] from precinct commanders caving to the pressure of top brass to make themselves look better.

“There’s pressure on the cops from the bosses and they’re getting pressured from headquarters,” a police source told The Post.^{xii} These officers were indicted for felony perjury, filing a false report and filing a false instrument.^{xiii}

- x. According to the Police Reform Organizing Project, in its short-report titled *Working Towards a More Safe and Fair City: Abolishing Quotas and Involving Communities*, “Promotion or job security in the [NYPD] largely depends on the number of arrests made and tickets issued.”

The report continues:

The NYPD has continuously denied the existence of quotas and asserts that it relies only on a set of ‘productivity goals’. These ‘productivity goals’ are a euphemism for a “quota system”. In 2010, the New York State Legislature enacted the Quota Law, which outlawed the use of a quota system for summonses, tickets and stop-and-frisk encounters and prohibited the use of quotas for performance evaluations. Yet, the NYPD

leadership proceeded with a numbers-focused evaluation process of officers.

[...]

To meet this quota requirement many officers engage in indiscriminate ticketing, arrests, stops and other harassing techniques . . . The easiest people for officers to target to reach their quota requirement are from the most vulnerable communities in New York City: low-income African-American and Latinos, Muslims, sex workers, street vendors, people with mental illness, homeless people and LGBTQ (Lesbian, Gay, Bi-sexual, Transgender and Queer) individuals.^{xiv}

35. Furthermore, there is a widespread, egregious custom and practice within the NYPD of retaliation against Officers who speak out against the aforesaid unconstitutional customs of racially profiling minorities and falsely swearing out criminal complaints, which is documented by the following:

- a. *Schoolcraft v. City of New York*, No. 10 Civ. 6005 (RWS), 2011 WL 175863 (S.D.N.Y. 2011) (police officer who expose a precinct's policies and practices of, *inter alia*, falsifying evidence and suborning perjury alleges he was arrested and committed to a psychiatric facility in retaliation for exposing said policies and practices to the press);
- b. *Carmody v. City of New York*, No.: 05 Civ. 8084 (HB), 2006 WL 3317026 (S.D.N.Y. 2006) (police officer alleges that he was terminated for cooperating with another officer's claims of a hostile work environment);
- c. *Powers v. City of New York*, No.: 04-CV-02246 (NGG), 2007 WL 1026407 (S.D.N.Y. 2007) (police officer alleges unlawful retaliation by other police officers after testifying about corruption within the NYPD);
- d. *Nonnemann v. City of New York*, No.: 02 Civ. 10131 (JSR) (AJP), 2004 WL 1119648 (S.D.N.Y. 2004) (former NYPD lieutenant alleging retaliatory demotion and early retirement after reporting a fellow officer to IAB and CCRB for the officer's unjustified, racially-motivated stop-and-frisk of a group of Hispanic youth);

- e. *Barry v. New York City Police Department*, No.: 01 Civ. 10627 *2 (CBM), 2004 WL 758299 (S.D.N.Y. 2004) (triable issue of fact where NYPD sergeant alleged retaliatory demotion and disciplinary charges in response to sergeant's allegations of corruption within her unit and alleged that the NYPD had an "unwritten but pervasive custom of punishing officers who speak out about police misconduct and encouraging, if not facilitating, silence among officers");
 - f. *Walton v. Safir*, No.: 99 Civ. 4430 (AKH), 122 F.Supp.2d 466 (S.D.N.Y. 2000) (factual findings after trial that a 12-year veteran of NYPD was terminated in retaliation for criticizing the racially-motivated policies of the NYPD's Street Crime Unit and for alleging that such policies led to the NYPD shooting death of Amadou Diallo);
 - g. *White-Ruiz v. City of New York*, No.: 93 Civ. 7233 (DLC) (MHD), 983 F. Supp. 365, 380 (S.D.N.Y. 1997) (holding that the NYPD had an "unwritten policy or practice of encouraging or at least tolerating a pattern of harassment directed at officers who exposed instances of police corruption");
 - h. *Ariza v. City of New York*, No.: CV-93-5287, 1996 WL 118535 (E.D.N.Y.) (police officer alleges retaliatory duty assignments and harassment in response to his allegations about a racially-discriminatory workplace; on motion for summary judgment, the Court held that the police officer had established proof of both a widespread usage of a policy to retaliate against police officers who expose police misconduct and a failure to train in the police department);
36. That on July 11, 2014, KADEEM was arrested as a result and consequence of the above-described unlawful *de facto* policies and/or well-settled and widespread customs.
- a. Specifically, the Defendant Officers herein racially profiled KADEEM. Per the Queens County District Attorney's Office Crime Report, P.O. AJESULAS was on patrol with his partner when "he observed [MARTIN] walking down the street and meet[] up with [KADEEM]. [MARTIN] approaches [KADEEM] and they have a brief conversation." (Annexed hereto as *Exhibit 3* is a copy of the Queens County District Attorney's Office Crime Report.)

As is made clear by this report, P.O. AJESULAS's attention was drawn to KADEEM simply for having a conversation with an individual in a public place. There was no appearance of criminal conduct; nonetheless, what the Defendant Officers saw were two African-American males speaking with each other, and that was sufficient to arouse the Defendant Officers' suspicions.

- b. Furthermore, P.O. AJESULAS perjured himself when he falsely swore in the Criminal Complaint that he observed KADEEM "hand a small clear plastic twist to apprehended other Martin, and that in exchange, apprehended other Martin handed [KADEEM] a sum of United States Currency." (Annexed hereto as **Exhibit 4** is a copy of the Affidavit of P.O. AJESULAS.) Per the Queen County District Attorney's Office Crime Report, P.O. AJESULAS observed this exchange from his unmarked police vehicle. **Exhibit 3**. Further, per P.O. AJESULA's Affidavit, the arrest occurred "in back of 65-92 160 Street," **Exhibit 4**, which happens to be the Electchester Cooperative Housing Complex. Accordingly, P.O. AJESULAS's description of the occurrence is as follows: while sitting in his unmarked police vehicle, he observed MARTIN approach KADEEM, whereupon the two had a brief conversation; subsequently, while still sitting in his vehicle, P.O. AJESULAS observed, from what was necessarily a long distance based on the layout of the location, an exchange of what P.O. AJESULAS himself described as "a **small clear** plastic twist." **Exhibit 4 (emphasis added)**. Not surprisingly, by motion of the Queens County District Attorney's Office, all charges against KADEEM related to his July 11, 2014 arrest were dismissed. **Exhibit 2**.

37. The existence of the above-described unlawful *de facto* policies and/or well-settled and widespread customs and practices is known to, encouraged and/or condoned by supervisory and policy-making officers and officials of the NYPD and the CITY, including, without limitation, Commissioner William BRATTON ("BRATTON").
38. The actions of the individual police Defendants resulted from and were taken pursuant to the above-mentioned *de facto* policies and/or well-settled and widespread customs and practices of the CITY, which are implemented by members of the

NYPD, of engaging in systematic and ubiquitous racial-profiling, as well as perjury, both oral and written, to cover-up federal law violations committed against civilians by either themselves or their fellow officers, supervisors and/or subordinates, or to meet arrest quotas. They do so with the knowledge and approval of their supervisors, commanders and BRATTON who all: (i) tacitly accept and encourage a code of silence wherein police officers refuse to report other officers' misconduct or tell false and/or incomplete stories, *inter alia*, in sworn testimony, official reports, in statements to the CCRB and the Internal Affairs Bureau ("IAB"), and in public statements designed to cover for and/or falsely exonerate accused police officers, and to meet arrest quotas; and (ii) encourage and, in the absence of video evidence blatantly exposing the officers' perjury, fail to discipline officers for testifying and/or fabricating false evidence to initiate and continue the malicious prosecution of civilians, as was done to KADEEM, in order to cover-up civil rights violations perpetrated by themselves or fellow officers, supervisors and/or subordinates against those civilians, and to meet arrest quotas.

39. All of the foregoing acts by Defendants deprived KADEEM of federally protected rights, including, but not limited to:
- a. Freedom from unreasonable seizures of their person;
 - b. Freedom from arrest without probable cause;
 - c. Freedom from false imprisonment, meaning wrongful detention without good faith, reasonable suspicion or legal justification, and of which KADEEM was aware and did not consent;
 - d. Freedom from the lodging of false charges against him by police officers;
 - e. Freedom from having police officers fabricate evidence against him;
 - f. Freedom from malicious prosecution by police, that being prosecution without probable cause that is instituted with malice and that ultimately terminated in KADEEM'S favor, in contravention of the Fourth Amendment's guarantee of freedom from unreasonable seizures; the Fifth Amendment's guarantee that

no individual's freedom shall be deprived without due process of law; and the Fourteenth Amendment's guarantee of substantive and procedural due process;

g. The enjoyment of equal protection, privileges and immunities under the laws.

40. Defendant CITY knew or should have known that the acts alleged herein would deprive KADEEM of his rights, in violation of the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution.
41. Defendant CITY is directly liable and responsible for the acts of the individual police Defendants because it repeatedly and knowingly failed to properly supervise, train, instruct, and discipline them and because it repeatedly and knowingly failed to enforce the rules and regulation of the CITY and NYPD, and to require compliance with the Constitution and laws of the United States.
42. Despite knowledge of such unlawful *de facto* policies, practices and/or customs, these supervisory and policy-making officers and officials of the NYPD and the CITY have not taken steps to terminate these policies, practices and/or customs, do not discipline individuals who engage in such policies, practices and/or customs, or otherwise properly train police officers with regard to the constitutional and statutory limits on the exercise of their authority, and instead sanction and ratify these policies, practices and/or customs through their active encouragement of, deliberate indifference to and/or reckless disregard of the effect of said policies, practices and/or customs upon the constitutional rights of persons in the City of New York.
43. The aforementioned policies, practices and/or customs of failing to supervise, train, instruct and discipline police officers and encouraging their misconduct are evidenced

by the extensive police misconduct detailed herein. Specifically, pursuant to the aforementioned policies, practices and/or customs, the Defendant Officers felt empowered to execute a warrantless, unreasonable and unjustified arrest of KADEEM, without probable cause, and subsequently, to swear to a false story to cover up their blatant violation of KADEEM's constitutional rights, and to meet arrest quotas.

44. KADEEM's injuries were a direct and proximate result of Defendant CITY and the NYPD's wrongful *de facto* policies and/or well-settled and widespread customs and practices and of the knowing and repeated failure of Defendant CITY and the NYPD to properly supervise, train and discipline their police officers.
45. Defendants, collectively and individually, while acting under color of state law, acquiesced in a pattern of unconstitutional conduct by subordinate police officers and were directly responsible for the violation of KADEEM's constitutional rights.
46. Defendants' deprivations of KADEEM'S constitutional rights, secured to KADEEM by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, caused KADEEM to suffer and endure loss of liberty, mental anguish, emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

FOURTH CAUSE OF ACTION THROUGH TO 42 U.S.C. § 1983
FALSE ARREST IN CONTRAVENTION OF THE CONSTITUTION OF THE
UNITED STATES

47. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.
48. That Defendants P.O. AJESULAS and SGT. ROSARIO had neither valid evidence for the arrest of KADEEM, nor proper warrant, probable or legal cause, excuse or justification to seize and detain him.
49. That in detaining KADEEM without a fair and reliable determination of probable cause, Defendant CITY abused its power and authority as a policymaker of the NYPD under the color of State and/or local law. It is alleged that CITY, via their agents, servants and employees routinely charged persons with crimes they did not commit. KADEEM was but one of those persons.
50. As a result of the aforesaid conduct by Defendants, KADEEM was subjected to an illegal, improper and false arrest by the Defendants and taken into custody and caused to be falsely imprisoned, detained and confined without any probable cause, privilege or consent.
51. That in detaining KADEEM, Defendant Officers acted in their capacities as police officers, with the entire actual and/or apparent authority attendant thereto.
52. Defendants' deprivations of KADEEM'S constitutional rights, secured to KADEEM by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, caused KADEEM to suffer and endure loss of liberty, mental anguish, emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional

deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

FIFTH CAUSE OF ACTION THROUGH 42 U.S.C. § 1983
MALICIOUS ABUSE OF PROCESS IN CONTRAVENTION OF THE CONSTITUTION
OF THE UNITED STATES

53. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

54. Defendants, acting under color of state law, issued legal process to place KADEEM under arrest, and to secure a conviction based on that arrest.

55. Defendants arrested KADEEM, and P.O. AJESULAS falsely swore in the Criminal Complaint, in order to obtain a collateral objective outside the legitimate ends of the legal process; namely, Defendants arrested KADEEM in order to cover-up for their unconstitutional racial profiling of his person, and in order to meet arrest quotas; Defendant P.O. AJESULAS falsely swore in the Criminal Complaint in an attempt to further cover-up his unconstitutional racial-profiling, as well as to meet arrest quotas.

56. Defendants acted with the intent to do harm to KADEEM without excuse or justification.

57. This malicious abuse of process caused KADEEM to incur special damages in the form of legal fees incurred.

58. Defendants' deprivations of KADEEM'S constitutional rights, secured to KADEEM by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, caused KADEEM to suffer and endure loss of liberty, mental anguish,

emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

SIXTH CAUSE OF ACTION THROUGH 42 U.S.C. § 1983
MALICIOUS PROSECUTION IN CONTRAVENTION OF THE CONSTITUTION OF
THE UNITED STATES

59. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.
60. Defendants, acting under color of state law, misrepresented and falsified evidence before the Queens County District Attorney. Defendants did not make a complete and full statement of facts to the Queens County District Attorney.
61. Defendants P.O. AJESULAS, pursuant to *de facto* policies and/or well-settled and widespread customs and practices of Defendant CITY and its agency NYPD, falsely swore in the criminal complaint that he saw KADEEM hand a small twist containing crack-cocaine to MARTIN. Thus, Defendants were directly and actively involved in the initiation of criminal proceedings against KADEEM.
62. Defendants lacked probable cause to initiate criminal proceedings against KADEEM.
63. Defendants acted with malice in initiating criminal proceedings against KADEEM.
64. Defendants were directly and actively involved in the continuation of criminal proceedings against KADEEM.
65. Defendants lacked probable cause to continue criminal proceedings against

KADEEM.

66. Defendants acted with malice in continuing criminal proceedings against KADEEM.

67. Defendants misrepresented and falsified evidence throughout all phases of the criminal proceeding.

68. Notwithstanding the perjurious and fraudulent conduct of Defendants, the criminal proceedings were terminated in KADEEM's favor on February 3, 2015, when, by motion of the Queens County District Attorney's Office, all charges against KADEEM were dismissed.

69. Defendants' deprivations of KADEEM'S constitutional rights, secured to KADEEM by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, caused KADEEM to suffer and endure loss of liberty, mental anguish, emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

SEVENTH CAUSE OF ACTION
DENIAL OF FAIR TRIAL IN CONTRAVENTION OF THE CONSTITUTION OF THE
UNITED STATES

70. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

71. By fabricating evidence, Defendants violated KADEEM's constitutional right to a fair trial.

72. Defendants were aware or should have been aware of the falsity of the information used to prosecute KADEEM.
73. KADEEM was remanded to Riker's Island for allegedly violating probation
74. Defendants' deprivations of KADEEM'S constitutional rights, secured to KADEEM by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, caused KADEEM to suffer and endure loss of liberty, mental anguish, emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

PUNITIVE DAMAGES

75. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.
76. The foregoing acts were done recklessly, intentionally, wantonly and with gross indifference to the rights of KADEEM, thereby entitling KADEEM to punitive and exemplary damages.

ATTORNEYS FEES AND COSTS UNDER 42 U.S.C. § 1988

77. KADEEM incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.
78. The foregoing events constitute violations of KADEEM's statutory and constitutional rights, thereby entitling him to attorney's fees, costs and disbursements as permitted

by 28 U.S.C. § 1983.

INJURY AND DAMAGES

79. Defendants' deprivations of KADEEM'S constitutional rights, secured to KADEEM by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, caused KADEEM to suffer and endure loss of liberty, mental anguish, emotional distress, shame, humiliation, indignity and damage to reputation. Further, and more egregiously still, as a consequence of the aforesaid constitutional deprivations perpetrated by Defendants herein, KADEEM was caused to miss the birth of his first child, which occurred on October 3, 2014, and was also caused to miss the first four months of his child's life, thereby depriving KADEEM of one of life's greatest joys.

WHEREFORE, KADEEM respectfully requests that judgment be entered:

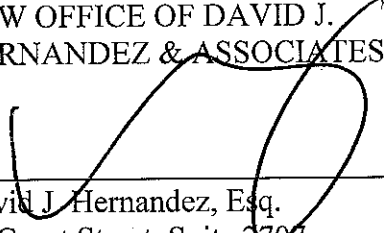
- a. Awarding KADEEM compensatory damages in a full and fair sum to be determined by a jury;
- b. Awarding KADEEM punitive damages in an amount to be determined by a jury;
- c. Awarding KADEEM interest from July 11, 2014;
- d. Awarding KADEEM reasonable attorney's fees pursuant to 42 U.S.C. § 1988;
and
- e. Granting such other and further relief that this Court may deem just and proper.

Dated: Brooklyn, NY
June 26, 2015

Yours etc.,

LAW OFFICE OF DAVID J.
HERNANDEZ & ASSOCIATES

BY:



David J. Hernandez, Esq.
26 Court Street, Suite 2707
Brooklyn, NY 11242

ⁱ Center for Constitutional Rights, *Racial Disparity in NYPD Stop-and-Frisks*, January 15, 2009, available at, http://ccrjustice.org/sites/default/files/assets/Report-CCR-NYPD-Stop-and-Frisk_3.pdf.

ⁱⁱ *Id.*

ⁱⁱⁱ *Id.*

^{iv} Michelle Conlin, *Off duty, black cops in New York feel threat from fellow police*, Reuters, December 23, 2014, available at, <http://www.reuters.com/article/2014/12/23/us-usa-police-nypd-race-insight-idUSKBN0K11EV20141223>.

^v Mollen Commission Report, p. 36.

^{vi} *Id.* at pp. 40-41.

^{vii} Oren Yaniv and John Marzulli, *Kelly Shrugs Off Judge Who Slammed Cops*, New York Daily News, December 2, 2009, available at http://www.nydailynews.com/news/ny_crime/2009/12/02/2009-12-02_kelly_shrugs_off_judge_who_rips_lying_cops.html.

^{viii} For a description of this case and the nearly \$1 million settlement, see, Cate Doty, *Bike Riders in New York Win Settlement*, N.Y. Times, October 18, 2010, available at http://www.nytimes.com/2010/10/19/nyregion/19critical.html?_r=1.

^{ix} John Marzulli, *City shells out \$35G to grandmother, Monica Gonzalez, busted as hooker*, New York Daily News, January 7, 2010, available at http://www.nydailynews.com/ny_local/2010/01/08/2010-01-08_city_shells_out_35g_to_granny_busted_as_hooker.html.

^x John Marzulli, *We fabricated drug charges against innocent people to meet arrest quotas, former detective testifies*, New York Daily News, October 13, 2011, available at <http://www.nydailynews.com/news/crime/fabricated-drug-charges-innocent-people-meet-arrest-quotas-detective-testifies-article-1.963021>.

^{xi} This case was settled during trial; for information on the settlement, see, Oren Yaniv, *Court rules that cops do use quotas, woman injured in 2006 arrest settles for \$75,000*, N.Y. Daily News, Feb. 19, 2011, available at http://www.nydailynews.com/news/ny_crime/2011/02/19/2011-02-19_court_rules_that_cops_do_use_quotas_woman_injured_in_2006_arrest_settles_for_750.html

^{xii} Larry Celona and Tim Perone, *Cops Sting Cops*, New York Post, July 30, 2010, available at http://www.nypost.com/p/news/local/brooklyn/cops_sting_cops_lyltuTeLedhKWtruJZYsdl.

^{xiii} John Marzulli, *Brooklyn cops charged with barging into sting operation, arresting a fellow officer on bogus charges*, New York Daily News, July 30, 2010, available at http://www.nydailynews.com/ny_local/2010/07/30/2010-07-30_brooklyn_cops_charged_with_barging_into_sting_operation_arresting_a_fellow_offic.html.

^{xiv} Police Reform Organizing Project, *Working Towards a More Safe and Fair City: Abolishing Quotas and Involving Communities*, September 2014, available at, https://gallery.mailchimp.com/f6b63e2555a5fd40610a66a67/files/Working_Towards_a_More_Safe_and_Fair_City.pdf.

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF KINGS)

Kadeem Morgan, being duly sworn, deposes and says:

That deponent is the plaintiff in the within action; and that she has read the foregoing
Summons & Complaint and knows the contents
thereof; that the same is true to deponent's own knowledge, except as to the matters therein
stated to be alleged on information and belief, and that as to those matters deponent believes it to
be true.

Kadeem Morgan

Sworn to before me this
29th day of June, 2015

Timothy P. Manning
Notary Public

Timothy P. Manning
Notary Public, State of New York
No. 02MA6301230
Qualified in Suffolk County
Commission Expires April 14, 2018

SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NY 11415

FEE:\$10.00

CERTIFICATE OF DISPOSITION-YOUTHFUL OFFENDER ADJUDICATION

DATE: 05/13/2015

CERTIFICATE OF DISPOSITION NUMBER: 40918

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: 02898-2012
LOWER COURT NUMBER(S): 2012QN011903
DATE OF ARREST: 03/01/2012
ARREST #: Q12612920
DATE OF BIRTH: [REDACTED]
DATE FILED: 12/14/2012

MORGAN, KADEEM

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 02/07/2014 BEFORE THE HON. ZAYAS, J THE DEFENDANT WAS ADJUDICATED TO BE A YOUTHFUL OFFENDER AND WAS SENTENCED TO

ROBBERY 1st DEGREE PL 160.15 04 BF
PROBATION = 5 YEAR(S)

CVAF = \$25 (JUDGMENT ORDERED)
SURCHARGE = \$300 (JUDGMENT ORDERED)

THAT ON 12/19/2014 THE ABOVE NAMED DEFENDANT WAS RESENTENCED ON A VIOLATION OF PROBATION BY THE HON. WONG, D THEN A JUDGE OF THIS COURT TO:

ROBBERY 1st DEGREE PL 160.15 04 BF
IMPRISONMENT = 10 MONTH(S)

CVAF = \$25 (JUDGMENT ORDERED)
SURCHARGE = \$300 (JUDGMENT ORDERED)

A YOUTHFUL OFFENDER ADJUDICATION IS NOT A JUDGMENT OF CONVICTION FOR A CRIME OR ANY OTHER OFFENSE, AND DOES NOT OPERATE AS A DISQUALIFICATION OF ANY PERSON SO ADJUDGED TO HOLD PUBLIC OFFICE OR PUBLIC EMPLOYMENT OR TO RECEIVE ANY LICENSE GRANTED BY PUBLIC AUTHORITY CPL 720.35.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 05/13/2015.


QUEENS COUNTY CLERK

COURT CLERK

2

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

CERTIFICATE OF DISPOSITION
NUMBER: 140328

THE PEOPLE OF THE STATE OF NEW YORK
VS

MORGAN, KADEEM
Defendant

[REDACTED]
Date of Birth

[REDACTED]
Address

[REDACTED]
NYSID Number

[REDACTED] City State Zip

07/11/2014
Date of Arrest/Issue

Docket Number: 2014QN041165

Summons No:

220.44 220.39
Arraignment Charges

Case Disposition Information:

Date Court Action
02/03/2015 DISMISSED - MOTION OF DA

Judge
MELENDEZ, S

Part
N

SEALED

pursuant to Section 160.50 of the CPL

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

CELIFIE, G
COURT OFFICIAL SIGNATURE AND SEAL

05/13/2015
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

3

Queens County District Attorney
Intake Bureau Crime Report

Time/Place of Occurrence

From Dt	From Time	Thru Dt	Thru Time	Location
07/11/2014	2130	07/11/2014	2130	IN BACK OF 65-92 160 STREET

Case Summary

Defendant	MORGAN,KADEEM (Q14642900)
ADA/Paralegal	BASSO,HUGO
DI/Time Printed	7/12/2014 9:29:28 AM
Supervisor	MULLANEY,ANNE-MARIE
Case Type	INTERACTIVE
DA Bureaus Notified	
ADA's Who Rode Case	
Police Department Contact	POAJESULAS Command Phone: 7189694029 Cell Phone: [REDACTED]
Person Who Took UF61	
Other Agency Juris/Contact	
Breathalyzer	
Summary of Crime	<p>AO STATES THAT HE WAS ON PATROL WITH PARTNER, AT WHICH POINT HE OBSERVED APP OTHER WALKING DOWN STREET AND MEETS UP WITH DEF. HE APPROACHES DEF AND THEY HAVE <u>BRIEF CONVERATION</u>.</p> <p>DEF HANDS APP OTHER A SMALL PLASTIC TWIST AND APP OTHER HANDS DEF / SUM OF USC. THEY WALK AWAY AND AO STOPS APP OTHER. AO RECOVERS ROCK OF CRACK IN TWIST THAT APP OTHER WAS HOLDING IN HAND. HE ASKED A/O IF IT WAS A NARC THAT SOLD IT TO HIM. <u>DEF WAS THEN STOPPED WALKING INTO PIZZERIA AND HAD \$70 USC.</u></p>
Date Reported	07/11/2014
Reason for Delay in Reporting and/or Arrest	NO DELAY.
Police Invest Led to Arrest	POLICE WERE ON PATROL IN UNMARKED VEHICLE WHEN THEY OBSERVED DEF MAKE SALE.
Cross Reference Arrest Number/Description	
Parties Know Each Other	
CW Relationship to Defendant	
Defendant Statements	
Defendant Identification	

Queens County District Attorney
Intake Bureau Crime Report

Investigation

Other Potential Evidence Not Yet Secured	NA
Action to be Taken to Advance Case	NA
Search Warrant	NONE OBTAINED
Other Investigative Warrant/ Order	NONE OBTAINED
Warrant/Order Results	NA
Warrant/Order Contact ADA	
Search Warrant Number(s)	
Subpoenas	NONE REQUIRED
Surveillance Tape Status	NO TAPE
Surveillance Tape (Explain)	NA
CI Contact Person/ Command/Bureau	

Queens County District Attorney
Intake Bureau Crime Report
Defendant

Name	MORGAN,KADEEM
Arrest Number	Q14642900
Arrest Date/Time	07/11/2014 2130
Arrest Precinct	107
Top Arrest Charge	PL 220.31
Gang Affiliation	--
Gang Comments	
Graffiti	
Debriefing and Command	NOT DEBRIEFED
Money Recovered	NO
Auto Theft Related?	
Fugitive from State/Crime	
Cross Complaint Arrest #	
240.20 Items Served	
ICE Hold?	NO
Precinct Videotape Available in Case Tracking?	NO

Identification Type	Date	Time	By Whom	To Whom	Where
NONE					

Statement	To Whom	Date	Time	Where	Summary
NONE					

Injury	Treatment Type	Dt Treated	Place Treated
NONE			

Queens County District Attorney
Intake Bureau Crime Report
 Police Officer

Name	AJESULAS,OLDSON
Rank	POLICE OFFICER
Tax Reg/Soc Sec #	942931000
Command	HOUSING PSA 9
Force	NYPD
Role	ARRESTING OFFICER
Interviewed?	YES
Interviewed by ADA	BASSO,HUGO
Cell Phone	

Injury	Treatment Type	Dt Treated	Place Treated
NONE			

Queens County District Attorney
Intake Bureau Crime Report
Messages

SYSTEM	SYSTEM	7/12/2014 9:31:00 AM	The affidavit was faxed from the precinct on 7/12/2014 at 9:31 AM. This was probably signed since Intake had already approved the affidavit.
SYSTEM	SYSTEM	7/12/2014 8:57:00 AM	Paperwork was faxed from the precinct on 7/12/2014 at 8:57 AM.
ANNE-MARIE MULLANEY	INTAKE	7/12/2014 8:52:00 AM	Affidavit Has Been Approved
SYSTEM	QCDA	7/12/2014 8:47:00 AM	<p>You should consider charging PL 220.44 (Criminal Sale of a Controlled Substance In or Near School Grounds) and/or PL 220.34 (Criminal Sale of a Controlled Substance - Fourth Degree). These statutes concern the sale of controlled substances within 1000 feet of a school.</p> <p>The following calculation was derived by comparing the crime address with a list of school addresses provided by the City of New York. These calculations may not be precise. Any school identified within 1500 feet is shown. You should make an independent verification as to the actual distance.</p> <p>Place of Crime: 65-92 160 STREET QUEENS School: P.S. 200 THE POMONOK SCHOOL School Address 70-10 164 St Calculated Distance between crime and school address: 1,430.7 feet</p>
SYSTEM	QCDA	7/12/2014 8:39:00 AM	<p>You should consider charging PL 220.44 (Criminal Sale of a Controlled Substance In or Near School Grounds) and/or PL 220.34 (Criminal Sale of a Controlled Substance - Fourth Degree). These statutes concern the sale of controlled substances within 1000 feet of a school.</p> <p>The following calculation was derived by comparing the crime address with a list of school addresses provided by the City of New York. These calculations may not be precise. Any school identified within 1500 feet is shown. You should make an independent verification as to the actual distance.</p> <p>Place of Crime: 65-92 160 STREET QUEENS School: P.S. 200 THE POMONOK SCHOOL School Address 70-10 164 St Calculated Distance between crime and school address: 1,430.7 feet</p>

Queens County District Attorney
Intake Bureau Crime Report
Messages

SYSTEM	QCDA	7/12/2014 8:38:00 AM	<p>You should consider charging PL 220.44 (Criminal Sale of a Controlled Substance In or Near School Grounds) and/or PL 220.34 (Criminal Sale of a Controlled Substance - Fourth Degree). These statutes concern the sale of controlled substances within 1000 feet of a school.</p> <p>The following calculation was derived by comparing the crime address with a list of school addresses provided by the City of New York. These calculations may not be precise. Any school identified within 1500 feet is shown. You should make an independent verification as to the actual distance.</p> <p>Place of Crime: 70-29 PARSONS BOULEVARD QUEENS</p> <p>School: P.S. 200 THE POMONOK SCHOOL</p> <p>School Address 70-10 164 St</p> <p>Calculated Distance between crime and school address: 1,430.7 feet</p>
HUGO BASSO	INTAKE	7/12/2014 8:22:00 AM	Accusatory Ready
HUGO BASSO	INTAKE	7/12/2014 8:22:00 AM	Crime Report Required
HUGO BASSO	INTAKE	7/12/2014 8:22:00 AM	ADA/Paralegal assigned to this case: HUGO BASSO
Officer	System	7/12/2014 7:36:00 AM	Officer has indicated that the affidavit is ready for review.
107,PRECINCT	QCDA	7/12/2014 7:35:00 AM	Affidavit is ready for review
System	System	7/12/2014 7:34:00 AM	

Queens County District Attorney
Intake Bureau Crime Report
Messages

SYSTEM	QCDA	7/12/2014 7:12:00 AM	<p>You should consider charging PL 220.44 (Criminal Sale of a Controlled Substance In or Near School Grounds) and/or PL 220.34 (Criminal Sale of a Controlled Substance - Fourth Degree). These statutes concern the sale of controlled substances within 1000 feet of a school.</p> <p>The following calculation was derived by comparing the crime address with a list of school addresses provided by the City of New York. These calculations may not be precise. Any school identified within 1500 feet is shown. You should make an independent verification as to the actual distance.</p> <p>Place of Crime: 70-29 PARSONS BOULEVARD QUEENS</p> <p>School: P.S. 200 THE POMONOK SCHOOL</p> <p>School Address 70-10 164 St</p> <p>Calculated Distance between crime and school address: 1,430.7 feet</p>
SYSTEM	QCDA	7/12/2014 6:55:00 AM	<p>You should consider charging PL 220.44 (Criminal Sale of a Controlled Substance In or Near School Grounds) and/or PL 220.34 (Criminal Sale of a Controlled Substance - Fourth Degree). These statutes concern the sale of controlled substances within 1000 feet of a school.</p> <p>The following calculation was derived by comparing the crime address with a list of school addresses provided by the City of New York. These calculations may not be precise. Any school identified within 1500 feet is shown. You should make an independent verification as to the actual distance.</p> <p>Place of Crime: 70-29 PARSONS BOULEVARD QUEENS</p> <p>School: P.S. 200 THE POMONOK SCHOOL</p> <p>School Address 70-10 164 St</p> <p>Calculated Distance between crime and school address: 1,430.7 feet</p>
Officer	PD	7/12/2014 6:53:00 AM	<p>Officer Contact Information. PD Contact Person: POAJESULAS; Command Phone Number: 7189694029; Cell Phone Number:</p>

Queens County District Attorney
Intake Bureau Crime Report
Messages

Intake	System	7/12/2014 6:51:00 AM	Welcome to the Queens District Attorney's office Complaint Typing System. Please call Intake once you fax your paperwork. You may also receive additional messages providing you with instructions on processing this case.
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AFFJ603211J594831

Q14642900

CRIMINAL COURT OF THE CITY OF NEW YORK
PART APAR, COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK

v.

KADEEM MORGAN (19Y)

DEFENDANT

STATE OF NEW YORK
COUNTY OF QUEENS

2014QN041165



POLICE OFFICER OLDSON AJESULAS OF HOUSING PSA 9, TAX REG#: 942931, BEING DULY SWORN, DEPOSES AND SAYS THAT ON OR ABOUT JULY 11 2014 AT ABOUT 9:30PM, IN BACK OF 65-92 160 STREET, COUNTY OF QUEENS, STATE OF NEW YORK, THE DEFENDANT COMMITTED THE OFFENSES OF:

PL 220.39-1 [BF] CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE - (DNA SAMPLE REQUIRED UPON CONVICTION)

PL 220.44-4 [BF] CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN OR NEAR SCHOOL GROUNDS - (DNA SAMPLE REQUIRED UPON CONVICTION)

PL 220.39-1 [BF] CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE - (DNA SAMPLE REQUIRED UPON CONVICTION)

--- KNOWINGLY AND UNLAWFULLY SELL A NARCOTIC DRUG;

PL 220.44-4 [BF] CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN OR NEAR SCHOOL GROUNDS - (DNA SAMPLE REQUIRED UPON CONVICTION)

--- KNOWINGLY AND UNLAWFULLY SELL A CONTROLLED SUBSTANCE IN VIOLATION OF ANY ONE OF SUBDIVISIONS ONE THROUGH EIGHT OF SECTION 220.39 OF THIS ARTICLE, WHEN SUCH SALE TAKES PLACE UPON THE GROUNDS OF A CHILD DAY CARE OR EDUCATIONAL FACILITY UNDER CIRCUMSTANCES EVINCING KNOWLEDGE BY THE DEFENDANT THAT SUCH SALE IS TAKING PLACE UPON SUCH GROUNDS.

THE ABOVE OFFENSES WERE COMMITTED AS FOLLOWS:

DEPONENT STATES THAT AT THE ABOVE MENTIONED DATE, TIME, AND PLACE OF OCCURRENCE, HE OBSERVED APPREHENDED OTHER, [REDACTED] APPROACH THE DEFENDANT, KADEEM MORGAN, AT WHICH POINT THE DEFENDANT ENGAGED IN A BRIEF CONVERSATION WITH APPREHENDED OTHER [REDACTED]

DEPONENT FURTHER STATES THAT HE THEN OBSERVED THE DEFENDANT HAND A SMALL CLEAR PLASTIC TWIST TO APPREHENDED OTHER [REDACTED] AND THAT IN EXCHANGE, APPREHENDED OTHER [REDACTED] HANDED THE DEFENDANT A SUM OF UNITED STATES CURRENCY.



AFFI603211594831

MORGAN, KADEEM Q14642900

DEPONENT FURTHER STATES THAT HE APPROACHED AND RECOVERED ONE SMALL PLASTIC TWIST, CONTAINING A SMALL ROCK OF COCAINE, FROM APPREHENDED OTHER [REDACTED] S HAND.

DEPONENT FURTHER STATES THAT HE SUBSEQUENTLY APPROACHED THE DEFENDANT, AT WHICH POINT HE RECOVERED \$70.00 IN UNITED STATES CURRENCY.

DEPONENT FURTHER STATES THAT THE ABOVE MENTIONED INCIDENT OCCURRED WITHIN ONE-THOUSAND FEET OF P.S. 200, WHICH IS LOCATED AT 70-10 164 STREET IN QUEENS COUNTY.

DEPONENT FURTHER STATES THAT HIS CONCLUSION THAT THE SUBSTANCE RECOVERED IS COCAINE IS BASED UPON HIS EXPERIENCE AS A POLICE OFFICER AND IN HIS TRAINING IN THE IDENTIFICATION AND PACKAGING OF CONTROLLED SUBSTANCES AND MARIJUANA.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT
TO SECTION 210.45 OF THE PENAL LAW

7/12/14 PO [Signature]

DATE SIGNATURE

SWORN TO BEFORE ME ON THE
DAY OF

DATE SIGNATURE

